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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,539	07/25/2003	Carl James Davis	18858	3681

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KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,539

Applicant(s)

DAVIS ET AL.

Examiner

Mark A Osele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10272003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-14, 17-20, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallner in view of Weis et al. Kallner shows a heat sealing device comprising a thermally conductive heat sealing disk, 100, mounted for rotation about an axis, 20; and a heating element, 120, for heating an inner portion of the disk to cause thermal conduction towards the periphery of the disk. Kallner fails to show the disk used to engage with the outer surface of the tail on a roll of sheet material to weld the tail to the underlying layer.

Weis et al. teaches that heated rollers have been used to form discrete welds in plastic film wrapped about a package (column 1, lines 12-28). Weis et al. further shows this welding to be between the outer surface of the tail on a roll of sheet material and the underlying layer (See Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the disk of Kallner in a method and apparatus for welding the outer surface of the tail to the underlying layer because Weis et al. shows the known effectiveness of such a sealing disk.

Regarding claims 8, 17, and 23, Kallner shows the disk to be supported on resilient support means (column 3, lines 33-36; column 4, lines 22-28). Regarding

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claims 9 and 18, it is well known to make resilient supports adjustable to compensate for variation in springs or materials worked upon.

Regarding claims 10 and 24, Kallner shows the temperature of the sealing disk to be controlled using a thermocouple (column 4, lines 10-15).

Regarding claims 11 and 26, it is conventional to control the movement of articles to be worked upon into and out of the work station.

Regarding claim 25, Weis et al. shows conveyors for moving the rolls past the sealing device.

3. Claims 4-5, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallner in view of Weis et al. as applied to claim 1 above, and further in view of Bradshaw et al. Bradshaw et al. shows a heat sealing disk wherein the heater, 10, is in the interior portion of the disk and heat is conducted to the periphery of the disk. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the heater of the combination of references in the interior of the roller such as shown by Bradshaw et al. because the two designs are shown to be functionally equivalent alternate expedients.

4. Claims 6-7, 15-16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kallner in view of Weis et al. as applied to claim 1 above, and further in view of Herrington. The references fail to show a tapered roller with teeth around the periphery. Herrington shows a heated sealing disk wherein the periphery of the disk,

59, comprises a series of tapered teeth, 59a. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the periphery of the disk of the references as combined with tapered teeth because Herrington shows this type of roller is effective in sealing two webs together and Weis et al. shows that the sealing means for the outer layer of the web to the underlying layer is performed in discrete locations, 32, which would also be the result of using the disk of Herrington in the combination of references.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Farber shows a temperature controlled sealing disk. Tajima et al. and Tokita et al. each show tapered sealing rollers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on Mon-Fri 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK A. OSELE
PRIMARY EXAMINER
June 27, 2004